

AMENDED IN SENATE JULY 6, 2011

AMENDED IN SENATE MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 107**

---

**Introduced by Committee on Budget (Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson)**

January 10, 2011

---

~~An act calling an election, to take effect immediately.~~ *An act to amend Section 19225 of, to amend and repeal Sections 19010, 19011, and 24744 of, to add Sections 19011.5, 19229, and 24745.5 to, and to repeal and add Section 24745 of, the Food and Agricultural Code, and to amend Sections 3401 and 5007 of the Public Resources Code, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 107, as amended, Committee on Budget. ~~Special election.~~ *Public resources.*

*(1) The California Meat and Poultry Supplemental Inspection Act requires each person to be licensed prior to operating a meat processing establishment or a custom livestock slaughterhouse, and establishes application fees for initial and renewal of licenses for livestock meat inspectors and processing inspectors, and licensing fees for the operation of slaughterhouses. Existing law requires the Secretary of Food and Agriculture to report to the Controller at least once each month the total amount of money collected pursuant to these provisions*

*and to pay into the State Treasury the entire amount of the receipts that shall be credited to the General Fund.*

*This bill would, until January 1, 2017, increase the fees for licenses and renewal of licenses, impose specified penalties for the failure to pay the fee for renewal of a license prior to the expiration date of the license, and establish criteria for the fee for a license application submitted upon change of ownership of custom slaughterhouses, as specified.*

*(2) Existing law provides for the regulation, inspection, and licensing of poultry plants and poultry meat inspectors.*

*This bill would, until January 1, 2017, revise the licensing scheme and increase the fees for the licensing and renewal of licenses in connection with poultry plant operations and poultry meat inspections.*

*(3) Existing law requires the licensing of meat processing establishments, custom livestock slaughterhouses, poultry plants, and pet food processors and importers, among other similar businesses, as specified.*

*This bill would provide that if a licensee has two or more licenses in effect at the same meat processing establishment, custom livestock slaughterhouse, place of business, poultry plant, pet food processor or importer, or other similar business, as specified, the license fee that is the highest amount shall be paid in full and each additional license fee shall be in an amount that is 50% of the fee that would otherwise be applicable.*

*(4) Existing law generally regulates the drilling, operation, maintenance, and abandonment of oil and gas wells. Existing law provides that the proceeds of charges levied, assessed, and collected upon the properties of every person operating or owning an interest in the production of a well shall be used exclusively for the support and maintenance of the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation.*

*This bill instead would provide that the proceeds of those charges shall be used exclusively for the support and maintenance of the Department of Conservation.*

*(5) The existing Tort Claims Act provides for the liability and immunity of a governmental entity for its acts and omissions that cause harm to persons. Under existing law, notwithstanding the Tort Claims Act, a public entity or public employee is not liable for injury or damage caused by a condition of public property located in, or injury or damage otherwise occurring in, or arising out of an activity in, a unit of the*

*state park system that is designated as closed, partially closed, or subject to service reduction by the Department of Parks and Recreation for purposes of achieving budget reductions, among other things.*

*This bill would instead limit the liability of a public entity or public employee for injury or damage caused by a condition of public property located in, or injury or damage otherwise occurring in, or arising out of an activity in, a unit of the state park system that is designated as closed by the department. The bill would require the department to maintain, make available to the public, and post on the department's Internet Web site a list of closed units.*

*(6) This bill would appropriate \$1,000 from the General Fund to the Department of Food and Agriculture for administrative costs, thereby making an appropriation.*

*(7) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

~~Existing law provides that the Secretary of State is the chief elections officer of the state and requires the Secretary of State to perform specified duties, including preparing and mailing ballot pamphlets, in connection with any statewide election. Existing law requires that every measure submitted to the voters comply with a specified schedule leading up to the day of the election.~~

~~This bill would call a statewide special election to be held on June 7, 2011, and would require the Secretary of State to place before the voters at that election a legislative constitutional amendment, as specified, relating to local government finance. In addition, the bill would waive certain statutory deadlines in relation to the placement of that measure before the voters at the June 7, 2011, statewide special election. The bill would also provide that funds necessary to pay the claims of local agencies arising from their costs incurred to conduct the June 7, 2011, statewide special election shall be included in the Budget Act of 2011 or in another statute.~~

~~This bill would declare that it is to take effect immediately as an act calling an election.~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 19010 of the Food and Agricultural Code  
2     is amended to read:

1 19010. (a) Each person shall, before operating a meat  
2 processing establishment or a custom livestock slaughterhouse,  
3 file an application accompanied with an application fee, with the  
4 ~~director~~ *secretary* for a license to operate the establishment. The  
5 application shall be in such form as the ~~director~~ *secretary* may  
6 prescribe.

7 (b) ~~The Subject to Section 19011.5, the application fee for a~~  
8 ~~meat processing establishment or a new, previously unlicensed~~  
9 ~~custom livestock slaughterhouse is fifty five hundred dollars (\$50)~~  
10 ~~(\$500) for a license for one year for each establishment which the~~  
11 ~~applicant desires to operate. Each license shall expire on the last~~  
12 ~~day of the calendar year for which it was issued. The fee shall not~~  
13 ~~be prorated.~~

14 (c) *The fee for a license application submitted upon a change*  
15 *of ownership of an existing, previously licensed custom livestock*  
16 *slaughterhouse shall be based on the number of head of livestock*  
17 *slaughtered by the custom livestock slaughterhouse during the*  
18 *preceding October through September time period as described*  
19 *in subdivision (a) of Section 19011.*

20 (d) *This section shall remain in effect only until January 1, 2017,*  
21 *and as of that date is repealed, unless a later enacted statute, that*  
22 *is enacted before January 1, 2017, deletes or extends that date.*

23 SEC. 2. Section 19011 of the Food and Agricultural Code is  
24 amended to read:

25 19011. (a) Application for renewal of a license accompanied  
26 by a ~~renewal fee of fifty dollars (\$50)~~ shall be made on or before  
27 its expiration. ~~To any fee which is not paid when due, there shall~~  
28 ~~be added a penalty of twenty dollars (\$20). Failure to pay the~~  
29 ~~renewal fee plus the penalty within 90 days of expiration shall~~  
30 ~~cause a revocation of a license.~~

31 (b) ~~No person shall operate an establishment performing any~~  
32 ~~of the functions stated in this chapter unless the establishment is~~  
33 ~~licensed and continues to meet building and sanitation standards~~  
34 ~~required by this chapter and the regulations thereunder.~~

35 (1) *Subject to Section 19011.5, the annual renewal fee for a*  
36 *custom livestock slaughterhouse is:*

37 (A) *Five hundred dollars (\$500) if the plant slaughtered 1,000*  
38 *or fewer head of livestock during the preceding October through*  
39 *September time period.*

1 (B) Seven hundred fifty dollars (\$750) if the plant slaughtered  
2 between 1,000 and 5,000 head of livestock during the preceding  
3 October through September time period.

4 (C) One thousand two hundred dollars (\$1,200) if the plant  
5 slaughtered over 5,000 head of livestock during the preceding  
6 October through September time period.

7 (2) Subject to Section 19011.5, the annual renewal fee for a  
8 meat reprocessing establishment is five hundred dollars (\$500).

9 (b) Applicants for renewal who have not paid the renewal fee  
10 by the expiration date of the license shall be assessed a penalty of  
11 10 percent of the unpaid balance. Failure to pay the renewal fee  
12 plus the penalty within 90 days of expiration shall cause a  
13 revocation of a license.

14 (c) This section shall remain in effect only until January 1, 2017,  
15 and as of that date is repealed, unless a later enacted statute, that  
16 is enacted before January 1, 2017, deletes or extends that date.

17 SEC. 3. Section 19011.5 is added to the Food and Agricultural  
18 Code, to read:

19 19011.5. If a licensee has two or more licenses in effect at the  
20 same meat processing establishment, custom livestock  
21 slaughterhouse, place of business, or poultry plant, pursuant to  
22 Section 19010, 19011, 19240, 19260, 19280, or 24741, the license  
23 fee that is the highest amount shall be paid in full and each  
24 additional license fee shall be in an amount that is 50 percent of  
25 the fee that would otherwise be applicable.

26 SEC. 4. Section 19225 of the Food and Agricultural Code is  
27 amended to read:

28 19225. ~~The~~ Subject to Section 19229, the annual fee for each  
29 license held is one hundred dollars (\$100).

30 SEC. 5. Section 19229 is added to the Food and Agricultural  
31 Code, to read:

32 19229. If a licensee has two or more licenses in effect at the  
33 same meat processing establishment, custom livestock  
34 slaughterhouse, place of business, or poultry plant, pursuant to  
35 Section 19010, 19011, 19240, 19260, 19280, or 24741, the license  
36 fee that is the highest amount shall be paid in full and each  
37 additional license fee shall be in an amount that is 50 percent of  
38 the fee that would otherwise be applicable.

39 SEC. 6. Section 24744 of the Food and Agricultural Code is  
40 amended to read:

1     24744. ~~The~~

2     (a) Subject to Section 24745.5, the application fee for a new,  
3     previously unlicensed poultry plant is ~~forty five~~ hundred dollars  
4     (~~\$40~~) (\$500) for a license for one year for each poultry plant which  
5     the applicant desires to operate.

6     (b) The fee for a license application submitted upon change of  
7     ownership of an existing, previously licensed poultry plant shall  
8     be based on the number of poultry slaughtered by the poultry plant  
9     during the preceding October through September time period as  
10    described in subdivision (b) of Section 24745.

11    (c) This section shall remain in effect only until January 1, 2017,  
12    and as of that date is repealed, unless a later enacted statute, that  
13    is enacted before January 1, 2017, deletes or extends that date.

14    SEC. 7. Section 24745 of the Food and Agricultural Code is  
15    repealed.

16    ~~24745. The license application fee shall be paid to the director~~  
17    ~~with each application for a license or for the renewal of a license.~~

18    SEC. 8. Section 24745 is added to the Food and Agricultural  
19    Code, to read:

20    24745. (a) Application for renewal of a license accompanied  
21    by a renewal fee shall be made on or before its expiration.

22    (b) Subject to Section 24745.5, the annual license renewal fee  
23    for a poultry plant is:

24    (1) Five hundred dollars (\$500) if the plant slaughtered 10,000  
25    or fewer poultry during the preceding October through September  
26    time period.

27    (2) Seven hundred fifty dollars (\$750) if the plant slaughtered  
28    between 10,000 and 100,000 poultry during the preceding October  
29    through September time period.

30    (3) One thousand two hundred dollars (\$1,200) if the plant  
31    slaughtered over 100,000 poultry during the preceding October  
32    through September time period.

33    (c) This section shall remain in effect only until January 1, 2017,  
34    and as of that date is repealed, unless a later enacted statute, that  
35    is enacted before January 1, 2017, deletes or extends that date.

36    SEC. 9. Section 24745.5 is added to the Food and Agricultural  
37    Code, to read:

38    24745.5. If a licensee has two or more licenses in effect at the  
39    same meat processing establishment, custom livestock  
40    slaughterhouse, place of business, or poultry plant, pursuant to

1 *Section 19010, 19011, 19240, 19260, 19280, or 24741, the license*  
2 *fee that is the highest amount shall be paid in full and each*  
3 *additional license fee shall be in an amount that is 50 percent of*  
4 *the fee that would otherwise be applicable.*

5 *SEC. 10. Section 3401 of the Public Resources Code is*  
6 *amended to read:*

7 3401. The proceeds of charges levied, assessed, and collected  
8 pursuant to this article upon the properties of every person  
9 operating or owning an interest in the production of ~~any~~ a well  
10 shall be used exclusively for the support and maintenance ~~of the~~  
11 ~~division~~ of the department charged with the supervision of oil and  
12 gas operations.

13 *SEC. 11. Section 5007 of the Public Resources Code is*  
14 *amended to read:*

15 5007. (a) The department shall achieve any required budget  
16 reductions by closing, partially closing, and reducing services at  
17 selected units of the state park system. For purposes of this section,  
18 “required budget reductions” means the amount of funds  
19 appropriated in the annual Budget Act to the department that is  
20 less than the amount necessary to fully operate the 2010 level of  
21 278 units of the state park system. The department shall select the  
22 units to be closed based solely on all of the following factors:

23 (1) The relative statewide significance of each park unit,  
24 preserving to the extent possible, parks identified in the  
25 department’s documents including “Outstanding and  
26 Representative Parks,” the “California State History Plan,” and  
27 the “California State Parks Survey of 1928.”

28 (2) The rate of visitation to each unit, to minimize impacts to  
29 visitation in the state park system.

30 (3) (A) The estimated net savings from closing each unit, to  
31 maximize savings to the state park system.

32 (B) For purposes of this subdivision, “net savings” means the  
33 estimated costs of operation for the unit less the unit’s projected  
34 revenues and less the costs of maintaining the unit after it is closed.

35 (4) The feasibility of physically closing each unit.

36 (5) The existence of, or potential for, partnerships that can help  
37 support each unit, including concessions and both for-profit and  
38 nonprofit partners.

1 (6) Significant operational efficiencies to be gained from closing  
2 a unit based on its proximity to other closed units where the units  
3 typically share staff and other operating resources.

4 (7) Significant and costly infrastructure deficiencies affecting  
5 key systems at each unit so that continued operation of the unit is  
6 less cost effective relative to other units.

7 (8) Recent or funded infrastructure investments at a unit.

8 (9) Necessary but unfunded capital investments at a unit.

9 (10) Deed restrictions and grant requirements applicable to each  
10 unit.

11 (11) The extent to which there are substantial dedicated funds  
12 for the support of the unit that are not appropriated from the  
13 General Fund.

14 (b) Notwithstanding Division 3.6 (commencing with Section  
15 810) of Title 1 of the Government Code, a public entity or a public  
16 employee is not liable for injury or damage caused by a condition  
17 of public property located in, or injury or damage otherwise  
18 occurring in, or arising out of an activity in, a state park system  
19 unit that is designated as closed, ~~partially closed, or subject to~~  
20 ~~service reduction~~ by the department pursuant to subdivision (a),  
21 *except for conduct that constitutes gross negligence or is wanton*  
22 *or reckless*. This immunity shall apply notwithstanding the fact  
23 that the public has access, whether invited or uninvited, to the state  
24 park system unit, and notwithstanding that the department may  
25 take actions such as patrols, inspections, maintenance, and repairs  
26 necessary to protect the state park system unit facilities and  
27 resources from deterioration, damage, or destruction. *This immunity*  
28 *shall apply only to units of the state park system that are designated*  
29 *as closed pursuant to subdivision (a) and shall not apply to units*  
30 *that are partially closed or subject to service reductions but not*  
31 *closure. The closed units shall be maintained in a list by the*  
32 *department and the list shall be made publicly available and posted*  
33 *on the department's Internet Web site. The list shall include the*  
34 *date the unit is considered closed.* The immunity provided by this  
35 subdivision does not limit any other immunity or immunities  
36 available to a public entity or a public employee. *The governmental*  
37 *immunity provided in this section does not apply to a third party*  
38 *or entity that has reopened a park listed as closed pursuant to*  
39 *subdivision (a). The immunity shall continue to apply to the state.*

1     *SEC. 12. There is hereby appropriated one thousand dollars*  
2     *(\$1,000) from the General Fund to the Department of Food and*  
3     *Agriculture for administrative costs.*

4     *SEC. 13. This act is a bill providing for appropriations related*  
5     *to the Budget Bill within the meaning of subdivision (e) of Section*  
6     *12 of Article IV of the California Constitution, has been identified*  
7     *as related to the budget in the Budget Bill, and shall take effect*  
8     *immediately.*

9     ~~SECTION 1. A statewide special election is hereby called to~~  
10    ~~be held on June 7, 2011. Notwithstanding Sections 10403 and~~  
11    ~~10406 of the Elections Code or any other provision of law, any~~  
12    ~~county, municipal, district, or other election scheduled to be held~~  
13    ~~on June 7, 2011, may, at the discretion of the appropriate local~~  
14    ~~officials, be consolidated with the statewide special election called~~  
15    ~~by this act.~~

16    ~~SEC. 2. Notwithstanding the requirements of Section 9040 of~~  
17    ~~the Elections Code or any other provision of law, and in accordance~~  
18    ~~with other provisions of the Elections Code and the Government~~  
19    ~~Code governing the submission of a statewide measure to the voters~~  
20    ~~that are not inconsistent with this act, the Secretary of State shall~~  
21    ~~submit Assembly Constitutional Amendment 2 or Senate~~  
22    ~~Constitutional Amendment 1, as applicable, of the 2011–12 First~~  
23    ~~Extraordinary Session to the voters at the statewide special election~~  
24    ~~called by this act to be held on June 7, 2011.~~

25    ~~SEC. 3. Notwithstanding Sections 13115 and 13117 of the~~  
26    ~~Elections Code, Assembly Constitutional Amendment 2 or Senate~~  
27    ~~Constitutional Amendment 1, as applicable, of the 2011–12 First~~  
28    ~~Extraordinary Session shall be placed as the first ballot measure~~  
29    ~~on the June 7, 2011, statewide special election ballot and shall be~~  
30    ~~designated as Proposition 28.~~

31    ~~SEC. 4. (a) The Secretary of State shall include in the ballot~~  
32    ~~pamphlets for the June 7, 2011, statewide special election, mailed~~  
33    ~~pursuant to Section 9094 of the Elections Code, the information~~  
34    ~~specified in Section 9084 of the Elections Code regarding~~  
35    ~~Proposition 28.~~

36    ~~(b) In accordance with Sections 9092 of the Elections Code,~~  
37    ~~not less than 20 days before submitting the copy for the ballot~~  
38    ~~pamphlet to the State Printer, the Secretary of State shall make the~~  
39    ~~copy available for public examination.~~

1     ~~(e) Notwithstanding Sections 9054 and 13282 of the Elections~~  
2     ~~Code or any other provision of law, the ballot labels required~~  
3     ~~pursuant to Section 13282 and the translations of the ballot~~  
4     ~~materials required pursuant to Section 9054 may be made available~~  
5     ~~for public examination at a later date than the start of the public~~  
6     ~~examination period for the ballot pamphlet, provided that the ballot~~  
7     ~~labels and translations of the ballot materials must remain available~~  
8     ~~for public examination for eight days.~~

9     ~~SEC. 5. The funds necessary to pay the claims of local agencies~~  
10    ~~arising from their costs incurred to conduct the June 7, 2011,~~  
11    ~~statewide special election shall be included in the Budget Act of~~  
12    ~~2011 or in another statute.~~

13    ~~SEC. 6. This act calls an election within the meaning of Article~~  
14    ~~IV of the Constitution and shall go into immediate effect.~~